

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CURWOOD L. PRICE,

Plaintiff,

Case No. 05-71403

vs.

CHIEF JUDGE BERNARD A. FRIEDMAN,

HONORABLE STEVEN D. PEPE

PATRICIA CARUSO,

Defendant.

REPORT AND RECOMMENDATION

All pretrial proceedings have been referred to the undersigned. Pursuant to 28 U.S.C. §636(b)(1)(A), requests for injunctive relief require a report and recommendation. *Id.* For the reasons stated below, IT IS RECOMMENDED that Plaintiff's motion be DENIED.

On May 18, 2007, Plaintiff filed a motion, in *pro se*, seeking injunctive relief due to the fact that his "PIN phone list" (the list of those authorized to speak with him via telephone) was completely deleted by the Michigan Department Of Corrections (MDOC) when the telephone number for Plaintiff's assigned counsel was not able to be verified (Dkt. #78, p. 3).

Plaintiff's counsel and counsel for the Defendant have informed the Court that MDOC had been given the wrong telephone number for Plaintiff's counsel and this matter has been remedied. Therefore, IT IS RECOMMENDED that Plaintiff's motion for a temporary restraining order be DENIED as moot.

Further, Plaintiff is advised that it is improper to file documents *pro se* when he is represented by counsel and he is instructed to file any further documents through his assigned counsel – failure to do so may result in the striking of future *pro se* filings.

The parties to this action may object to and seek review of this Report and Recommendation, but are required to file any objections within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Filing of objections which raise some issues but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Sec'y of Health and Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local*, 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Within ten (10) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be not more than twenty (20) pages in length unless by motion and order such page limit is extended by the Court. The response shall address specifically, and in the same order raised, each issue contained within the objections.

Dated: June 1, 2007
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: David E. McGruder, Esq., Linda M. Olivieri, Esq., and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: not applicable

s/ James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church St.
Flint, MI 48502
810-341-7850
pete_peltier @mied.uscourts